

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BOARD MEETING

Monday, January 23, 1984

and

Tuesday, January 24, 1984

GEORGE N. GRAY

CHAIRMAN

New Orleans, Louisiana

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

January 24, 1984

AGENDA

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
January 24, 1984

Chairman George Gray, presiding:

Members present:

Dr. Jack Cappel
Mr. Wayne Ducote
Mr. James Farrelly
Mr. Jesse Knowles
Mr. Ron Menville

Secretary Jesse J. Guidry was present.

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The regular monthly meeting of the Louisiana Wildlife and Fisheries Commission was called to order by the Chairman, Mr. George Gray, on Monday January 23 at 2:00 p.m.

Motion was made by Dr. Jack Cappel, seconded by Mr. Jesse Knowles to go into a committee of the whole.

A roll call of members present was taken.

Invocation was offered by Dr. Jack Cappel.

Mr. Harry Schafer stated that during the period November 22 - January 6, 1984 field activity consisted of 153 surveys scheduled, 83 of which were surveyed. Fifty-seven applications were unable to be surveyed due to bad weather or low tide, and 13 in which the applicants failed to appear for survey. One dispute was settled.

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Motion was made by Mr. James Farrelly, seconded by Dr. Cappel to adopt the seismic rules and regulations as amended. Mr. Ron Menville abstained from concurring because he had not reviewed these rules. A copy is attached to these minutes.

Motion was made by Mr. James Farrelly, seconded by Mr. Jesse Knowles, and passed unanimously to have a pink shrimp season in accordance with the following:

Dates: It is recommended that an experimental season be fixed within a framework from sunset Monday, March 12, 1984, through sunrise Friday, April 27, 1984. The Secretary is authorized to open an experimental season within the confines of these dates according to recommendations based on availability of pink shrimp as determined by biological sampling. The opening date will be announced preferably seven (7) days in advance but in no case less than three (3) days in order to provide maximum utilization of the resource. Additionally, the Secretary is authorized to close the experimental season within forty-eight(48) hours if biological data indicates that (1) pink shrimp are no longer abundant in commercially harvestable numbers, or (2) pink shrimp do not make the 68 count size limit, or (3) it is determined that trawling is interfering with brown or white shrimp migration, or (4) if enforcement problems develop.

Boundaries: The only open waters for fishing pink shrimp shall be those of Chandeleur and Breton Sounds enclosed within an area bounded by a line beginning at the east end of Isle Au Pitre, Lat. 30° 09' 36" N (x-549,446.961) Long. 89° 10' 42" W (y-2,681,005.625); thence southeast to the North Light of Chandeleur Islands, Lat. 30° 02' 52" N (x-510,598.428) Long. 88° 52' 18" W (y-2,778,778.600); thence southwest to North Islands Lat. 29° 53' 42" N (x-454,997.463) Long. 88° 52' 48" W (y-2,777,332.034); thence along the northwest shore of North Islands to Freemason Island, Lat. 29° 48' 42" N (x-424,035.865) Long. 88° 58' 48" W (y-2,746,274.159); thence south to Curlew Island, Lat. 29° 37' 54" N (x-358,594.969) Long. 88° 58' 48" W (y-2,747,618.323); thence southwest to North Point of Breton Islands, Lat. 29° 29' 48" N (x-308,263.531) Long. 89° 10' 48" (y-2,685,011.632); thence to West Point of Breton Islands, Lat. 29° 27' 45" N (x-295,633.952) Long. 89° 12' 54" W (y-2,674,108.486); thence southwest to the most northerly point on the south side of Taylor Pass, Lat. 29° 23' 18" N (x-268,084.823) Long. 89° 19' 00" W (y-2,642,233.564); thence to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island, Lat. 29° 29' 57" N (x-307,897.701) Long. 89° 24' 18" W (y-2,613,427.192); thence to the Mississippi River - Gulf Outlet Channel at a lighted privately maintained marker known as "47" and "48" Lat. 29° 37' 18" N (x-352,966.435) Long. 89° 18' 30" W (y-2,643,387.797); thence to Point Chico Light, Lat. 29° 43' 36" N (x-391,416.591) Long. 89° 15' 36" W (y-2,658,051.910); thence to Point Comfort, Lat. 29° 49' 30" N (x-427,293.488) Long. 89° 14' 18" W (y-2,664,274.180); thence to the eastern most point of Mitchell Island, Lat. 29° 53' 42" N (x-452,987.919) Long. 89° 11' 48" W (y-2,677,009.547); thence to the eastern most point of Martin

Island, Lat. 29° 57' 30" N (x-476,083.808) Long. 89° 11' 06" W (y-2, 680,273.974); thence to the eastern most point of Brush Island, Lat. 30° 02' 42" N (x-507, 693.708) Long. 89° 10' 06" W (y-2, 684, 955.460); thence to Door Point, Lat. 30° 03' 42" N (x-513, 753.483) Long. 89° 10' 06" W (y-2, 684,840.955); thence to the east end of Isle Au Pitre, Lat. 30° 09' 36" N (x-549,446.961) Long. 89° 10' 42" W (y-2,681,005.625).

Permit System: In order to effectively evaluate the experimental pink shrimp season, accurate catch data are necessary. Any fisherman properly licensed for shrimping in Louisiana's waters will be eligible to apply for a permit. Permits will be issued without charge at the discretion of the Secretary. Any citation for a violation (s) of any wildlife statutes or regulations during the past three (3) years may be cause for denial of a permit. Fishing permits will be available from the Seafood Division's New Orleans Office, Louisiana Department of Wildlife and Fisheries, 400 Royal St., from 8 a.m. to 4 p.m. beginning March 5, 1984. Information can be obtained by calling (504) 568-5685. Acquisition of a permit before fishing and declaration of catch as required will be necessary for all vessels desiring to participate in the pink shrimp fishery. Permittee, by acceptance of the permit, agrees to having the Department's observer (s) on board if requested at any time while trawling.

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Motion was made by Dr. Jack Cappel, seconded by Mr. Jesse Knowles, and passed unanimously to proclaim March 18th through March 24th as National Wildlife Week.

(The full text of the resolution
here is made part of the record)

Whereas, water is an essential natural resource, necessary for the survival of all living things on the planet Earth; and

Whereas, only 3% of all the water found on earth is freshwater; and

Whereas, there are many competing demands for this valuable resource including agriculture, domestic and municipal needs, manufacturing, navigation, electric power generation, recreation, and fish and wildlife habitat; and

Whereas, our nation is using eighteen times more water than it did in 1900; and

Whereas, the increased demand for water and the contamination of surface and underground water by hazardous substances and other pollutants are despoiling many regional supplies; and

Whereas, we all share a responsibility to bring about the efficient use and effective management of our water resources; and

Whereas, the National Wildlife Federation has set aside the week of March 18th through March 24th as a time to become more aware of our nation's water problems - those concerning both the quality and quantity of this vital resource; now therefore,

Be it resolved that I, Jesse J. Guidry, Secretary, of Louisiana Department of Wildlife and Fisheries do hereby join the NATIONAL WILDLIFE FEDERATION in proclaiming March 18th through March 24th, 1984 as National Wildlife Week, urging one and all to unite in support of every activity that will help to conserve and protect the quality of our water resources and thus strongly affirm the vital importance of water with the theme "WATER - we can't live without it."

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The dates for the public hearings on hunting seasons were set as follows:

March 15 in Monroe, March 16 in Alexandria, March 19 in Houma in conjunction with the monthly board meeting which is March 19 and 20.

A motion was made by Mr. James Farrelly, seconded by Mr. Wayne Ducote to change the date of the February Board Meeting from February 6 & 7 to February 20 & 21 in Baton Rouge.

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The May Board Meeting was scheduled for April 30 and May 1 at the Airport Hilton in Kenner. The shrimp season will be set at this meeting.

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Colonel Winton Vidrine gave the enforcement division monthly case report.

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Mr. Wayne Ducote requested that he be provided a compilation of studies that indicate any adverse impact shell dredging had on various water bottoms. Dr. Ford and Mr. Ed Lennox were requested to provide this material prior to the next board meeting.

The Oyster & Shrimp sub-committee was assigned to study the reports on shell dredging and give a report to the Commission.

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Mr. Wayne Ducote requested that we study the feasibility of having a La. Duck Stamp with the revenues being dedicated to the development of waterfowl habitat in Louisiana.

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Dr. Jack Cappel requested that a report be given at the next board meeting regarding the recent fish kill due to the severe cold weather.

A motion was made by Mr. Jesse Knowles, seconded by Mr. Jim Farrelly, and unanimously approved that the meeting be adjourned.

Minutes transcribed by
Linda Gregson

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

P. O. Box 15570

Baton Rouge, Louisiana 70895

SEAFOOD DIVISION

(504) 342-1096

SEISMIC SECTION

(504) 342-1093

**REGULATIONS GOVERNING SEISMIC EXPLORATION
IN THE STATE OF LOUISIANA**

In order to prevent the destruction of, or injury to the oysters, shrimp, fish and other aquatic life, wildlife, or other renewable natural resources of the State of Louisiana, and pursuant to the authority conferred by Article IX Section 7 of the Louisiana Constitution of 1974 Louisiana Revised Statutes Title 30, Sections 214 et seq. and Title 36, Section 609; the following rules shall from and after (DATE), govern any exploration work involving the discharge of explosives and other energy sources in the State of Louisiana.

1. The Louisiana Wildlife and Fisheries Commission, Pursuant to its Constitutional Authority, hereby designates how exploration work insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and waterbottoms of the state shall be conducted under the following regulations. No Seismic exploration work shall be started without the approval of the Secretary of the Department. The Louisiana Department of Wildlife and Fisheries is endowed with any and all rights, powers and authority necessary to enforce and administer said regulations and any and all rights, powers and authority to take

such actions which are consistant therewith and incidental therto.

Application(s) for a permit(s) will be made by letter giving the names of the Parishes where the seismographic exploration is to be conducted. A permit is granted for a period of one year from date of approval, unless otherwise specified; however, operators shall notify the Seismic Section of the Seafood Division, before beginning seismic operation on a **Beginning of Seismic Operations Form**, furnished by the Department. The Beginning of Seismic Operations Form should be accompanied by a detailed map. In coastal areas this detailed map shall be on a scale no smaller than 1 to 24,000 showing the exact areas in which the geophysical operations are to be conducted. See Appendix (A) #7. The Department must also be informed of interruption and cessation of work as directed by Revised Statute 30:217. If a change on the line in the permitted right of way is necessary the Seismic Operator will provide a new plat with the revised line drawn on it. If a change on the line affects different properties, or leasehold interests, the Seismic operator will provide a new Plat with new line drawn on it, and no work will begin until this change has been furnished to the Department and the Department has indicated its approval.

- 2.) Seismic operators shall furnish the Department a surety bond from any appropriate company licensed to do business in the State of Louisiana in the amount of seventy five thousand dollars (\$75,000.00). Bond forms may be obtained from the Seismic Section of the Seafood Division, of the Department. The bond should be filed by the applicant. Said bond shall guarantee payment of all shot hole fees and mileage fees, agent fees, all compensation for damage to state land, and water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures

for which said permittee may be legally liable, and which may be suffered by the State of Louisiana, as a result of injury to said oyster beds or the oysters thereon, or other natural resources, canals, bulkheads, rights-of-way and any structures occasioned by said geophysical work; any fees for services rendered by the Department and its offices in accordance with regulations of the Louisiana Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the State of Louisiana incurred by the applicant during the seismic operations.

- 3.) Any seismic operator performing exploration on highway rights of way, and on other lands subject to non-highway rights-of-way, servitudes, and easements, must furnish this Department with evidence of consent of abutting property owners before permission will be granted, as directed by Revised Statute 30:210.
- 4.) No seismic exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic streams, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the agency and its responsible division in charge of such refuge, preserve, hatchery or reservation.
- 5.) Each seismic exploration crew working in the State of Louisiana will always be accompanied by a Seismic Agent, unless exception has been granted by the Department. When a seismic operator employs more than one working component and the crews are at such a distance apart that it is impossible for the Seismic Agent to travel from one to the other in time to observe the work of each unit, it may be required that an agent be assigned to each working
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component. The seismic operator will be charged for each additional agent. The Seismic Agent may be present during the shooting operations of the party or parties to which he or she is assigned.

- 6.) A separate report must be made for each day, whether or not shooting is in progress. (Daily reports must furnish complete information as indicated by the report form, and must be signed by the Party Chief or Party Manager, daily reports executed by the Seismic Agent.) Should the Department wish to secure any other information, it will furnish the Party Chief or Party Manager with a written request.
- 7.) Explosive charges in excess of fifty (50) pounds shall not be used except pursuant to express written authorization from the Chief of the Seafood Division. Requests for the use of such charges must be made in writing, giving the reasons why such charges are needed, the size of charges to be used, and the depth at which they are to be suspended or buried. Such requests should be addressed to the Seismic Section of the Seafood Division. Should multiple charges be used, the aggregate amount of explosives should not exceed fifty (50) pounds without special permission from the Chief of the Seafood Division.
- 8.) In the interpretation of these rules and regulations, the dividing line between North and South Louisiana will be latitude 31° North. The area lying South of this latitude is considered South Louisiana.
- 9.) A.) Minimum required depth of charges in South Louisiana and in all water areas shall be as follows for shots detonated in holes:
 - 1.) 5 lbs or less--20 feet

Up to 20 lbs.--40 feet

Up to 30 lbs.--50 feet

Up to 40 lbs.--60 feet

Up to 50 lbs.--70 feet

- 2.) No part of the charge shall be above the minimum required depth.
- 3.) These minimum required depths shall not apply to trial charge and charges for determining condition of the weathering layer, or position and water speed provided that such charges are not over five (5) pounds.

B.) Minimum required depths of charges in North Louisiana with the exception of water areas shall be as follows:

5 lbs. or less--15 feet

Up to 20 lbs.--20 feet

Up to 30 lbs.--25 feet

Up to 40 lbs.--30 feet

Up to 50 lbs.--35 feet

- C.) The placing of explosive charges on the bottoms of the waters of Gulf of Mexico, Mississippi Sound, Breton Sound, Chandeleur Sound and Lake Borgne is prohibited. All charges not detonated in holes below the bottom must be suspended and detonated at a point not below the level midway between the surface of the water and the substratum underlying such water; or detonated above the surface of the water. Under no conditions should charges be detonated nearer than five (5) feet to the water bottom or bed.

- 10.) When more than one shot is fired in the same hole, and there is any reasonable doubt in the mind of either the Seismic Agent or the Field Manager of the party as to the legal depth of the hole after the shot is fired, the hole will be measured for depth before reloading to ascertain that it is the required depth in accordance with the charge and depth table.
- 11.) All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes should be left in the water or unattended when the crew is not working.
- 12.) All parties using pipe in water areas must have clearly stamped at each end of each joint the name or abbreviation of the name of the company using the pipe.
- 13.) All 2 x 2's used for survey lines must be clearly stamped with the name of the company using the stakes at approximately three-foot intervals. These stakes must be removed upon the completion of the prospect.
- 14.) All pipes, bouys and other markers used in connection with seismic work shall be properly flagged in the daytime and lighted at night according to the navigation rules of the U.S. Army Corps of Engineers and the U.S. Coast Guard.
- 15.) All holes drilled in geophysical operations in land areas must be capped and filled, by the persons or agency drilling these holes, before leaving the location.

- 16.) No marsh buggies shall have contact with any oyster reef or bed, including state owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission of the owner and/or lessee of the reef or bed, without the approval by the Department.
- 17.) All shotpoints in oyster areas must be approved by the Seismic agent.
- 18.) No explosives shall be discharged knowingly within one thousand (1,000) feet of a boat without notice being given to such boat so that it may move from the area.
- 19.) Persistent gas and water spouts caused by drilling or shooting operations of seismic crews will be stopped.
- 20.) Boats, marsh buggies or other types of marsh vehicles must be used so as to cause the minimum disturbance or damage to the lands, water bottoms, and wildlife and fisheries resources thereon. When working on Wildlife management areas, wildlife refuges, scenic streams, fish preserves or hatcheries, or public oyster seed grounds, the company will coordinate with the supervisor in charge of the area as to rules of the area where work is being done. Rules, regulations and fees may vary from one such area to another.
- 21.) No shooting will be allowed except in daylight hours except by written authorization from the Chief of the Seafood Division. Such requests must be made in writing.

- 22.) No shooting will be allowed in heavy fog.
- 23.) Agents assigned to seismic crews are under the supervision of the Chief of the Seafood Division of the Department.
- A.) The Department's Supervisor, on request, will have access to all records, such as shot point location maps, shooters' logs and tracings, but only to the extent necessary to determine that all protective requirements were in compliance.
- B.) The interpretation of these rules and regulations by the Department's Supervisor will be accepted by the seismic operator and the Seismic Agent.
- C.) The Party Chief or Party Manager will instruct the members of his party as to these rules and regulations, and to the duty and authority of the Chief of the Seafood Division of the Department and the Seismic Agent.
- 24.) A fee of \$115.00 per seismic agent per day will be charged seismic operators. This fee will be reviewed each January. All payments will be made by the seismic operator directly to the Department on or before the 20th of each month. No payments are to be made to the Seismic Agents.
- 25.) The Seismic Agent has the right to stop any particular operation, if, in his opinion, it will violate the above rules and regulations. He or she does not have the authority to halt the entire exploration work. If, in the opinion of the Seismic Section Agent, such violations continue, he or she will immediately contact the Seismic Section Administrator. Members of the exploration party will assist him or her to do this with all the facilities at their disposal.

- 26.) The Party Chief or Party Manager will furnish the Seismic Supervisor with whatever transportation needed to allow him to visit the working area, if requested.
 - 27.) The Party Chief or Party Manager is required to notify the Seismic Section if the Seismic Agent is not on the job, and will notify the Seismic Section Administrator if it should be necessary to relieve the agent at any time.
 - 28.) No Seismic Agent shall have the right to release any operator from the obligations imposed by these rules and regulations. Exceptions may be granted by the Department only after written application setting forth reasons. The release, signed by the Secretary, will designate the particular area and rule affected, and the procedures to be followed in lieu of any established rule.
 - 29.) All seismic operators conducting operations shall use reasonable precaution in accordance with approved and accepted methods to prevent destruction of, or injury to, fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the State of Louisiana, or their habitats.
 - 30.) Any violation of these or any other valid rules promulgated by the Department for the regulation of seismic operations, or the refusal of any seismic operator or its employees to comply fully with all orders and requirements which may be made by the authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Agent to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the permit, and the closing down of all exploration work, and the barring of the Party Chief, Party Manager and/or
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Field Manager involved from future operations in this State.

- 31.) The Department may, after seven (7) days written notice to permittee, suspend or cancel the seismic permit granted pursuant hereto for failure by the permittee to make timely payment to the Department for obligations owed to the State of Louisiana for the following:
- (a) Any adjusted shot hole fees and mileage fees;
 - (b) any compensation for damage to state land, water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said permittee may be legally liable, and which may be suffered by oyster beds or the oysters thereon, or other natural resources, canals, bulkheads, rights-of-way and any structures occasioned by said geophysical work;
 - (c) any fees for services;
 - (d) any applicable penalties.
- 32.) When a seismic operator is on continuous operation or on a Wildlife and Fisheries management area, or an oyster area, it may become necessary for additional seismic agents to be assigned. Then the seismic operator will be charged for all agents as long as it remains a necessity.
- 33.) Seismic operators making application to work on any designated red lined oyster seed ground belonging to the State of Louisiana will be required to pay the following fees: \$100 per drilled shot hole, or \$1000 per mile, whichever is greater, for Reflective or Refractive cable. These fees are to be paid in advance. Fees will be reviewed each January. See Appendix (A) #8.
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- 34.) Seismic operators are required to furnish an oyster lease plat to each oyster lessee showing the proposed number of shot points on line and their proposed location as applicable to the lease(s). Seismic operators are required to furnish notice to oyster lease applicants of the proposed crossing of water bottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).
- 35.) These rules and regulations supercede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Louisiana Wildlife and Fisheries Commission.

APPENDIX A

The following permits are required to conduct geophysical operations in the State of Louisiana:

- 1.) A permit from the Louisiana Department of Wildlife and Fisheries for all seismic exploration work in the State of Louisiana is required. The supervision of this work is under the Seismic Section of the Seafood Division, Department of Wildlife and Fisheries, Baton Rouge, Louisiana.
- 2.) A permit from the State Mineral Board is required to conduct any geophysical or geological exploration on State-owned lands or water bottoms. Application for permit should be made to the State Mineral Board, Baton Rouge, Louisiana.
- 3.) A permit from the Department of Transportation and development is required for geophysical operations along the public highways of the State. If public highways are not regularly maintained by the Department of Transportation, it shall be necessary to procure the consent of the Police Jury or governing body of the Parish in which said public highway is located. Permits are issued by the Department of Transportation, Baton Rouge, Louisiana.
- 4.) A permit from the State Police is necessary for the transportation of explosives over the highways of Louisiana. Such permits are issued by the Department of Public Safety, Division of State Police, Baton Rouge, Louisiana. Inspection slips for such permits may be obtained from any State Police Troop headquarters.

- 5.) A permit from the U.S. Army Corps of Engineers, is necessary when exploration work is to be conducted in navigable waters. Applications for such permits should be submitted to the District Engineer, Corps of Engineers--New Orleans District, Foot of Prytania Street, New Orleans, Louisiana; Vicksburg District, Vicksburg, Mississippi; or, Galveston District, Galveston, Texas.
- 6.) A permit from the Coastal Management Section, Department of Natural Resources, P.O. Box 44396, Baton Rouge, Louisiana 70804.
- 7.) The Seismic operator shall furnish the original "Notification of Beginning of Seismic Operations" form obtained from the Department and a detailed map to the appropriate Clerk of Court. Most Clerks of Court prefer a scale of 1 to 3 showing the exact areas in which the Seismic operations are to be conducted. A duplicate certified copy shall be sent, Return receipt requested or hand delivered, to the Seismic Section. Required by Act 662.
- 8.) It is the intention of the Wildlife and Fisheries Commission and the Department to use any fees collected as a result of Rule 33 to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

9.) Definitions:

- a) Oyster Reef is a discrete clearly, distinguishable structure which 1) has been formed primarily by living oysters and other organisms, 2) is not necessarily currently supporting live oysters, 3) at least a portion of which must be above the mud line, (i.e. not covered by mud or silt), and 4) may support live oysters as a result of normal hydrological fluctuations.
- b) Oyster Bed is an oyster reef or a waterbottom on which oysters are actively being cultivated.
- c) Oyster Areas are those areas of coastal Louisiana which are capable of supporting natural or cultivated oyster populations.
- d) Cultivation is any human activity the purpose of which is to enhance the production of oysters.